

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOANNE JAFFE,

Plaintiff,

against

CITY OF NEW YORK, POLICE
COMMISSIONER JAMES O'NEILL, and
FIRST DEPUTY POLICE COMMISSIONER
BENJAMIN TUCKER,

Defendants.

Docket No. 19-cv-07024

NOTICE OF MOTION

Oral Argument Requested

PLEASE TAKE NOTICE, that Plaintiff, JOANNE JAFFE, shall move this Court, at a date and time to be set by the Court, for an order (a) that the Corporation Counsel shall not advise witnesses that are neither parties or city employees not to talk with opposing counsel; (b) that the Corporation Counsel shall not advise any witnesses to disregard subpoenas; (c) that the Corporation Counsel shall immediately cease and withdraw from its representation of Assemblyman Simcha Eichenstein in this matter; (d) that the Corporation Counsel forthwith produce to counsel for the Plaintiff the emails sent to Assemblyman Simcha Eichenstein in the 72 hours before 6 p.m. on January 8, 2018; (e) that the Corporation Counsel make Defendants O'Neill and Tucker available for deposition, as soon as possible; (f) that the Corporation Counsel's Office follow the Federal Rules of Civil Procedure; (g) that the Corporation Counsel follow the teachings of the Second Circuit on access to witnesses; (h) that Corporation Counsel is hereby barred from representing a non-party or non-employee witness in any litigation; and for any other relief that the Court may deem just and proper. The reasons supporting the Plaintiff's request are set forth within the attached Memorandum of Law and Affidavit of John W.

Moscow, and other documents appearing in the Court's file and upon such evidence, oral or documentary, as may be presented prior to or at the hearing upon this motion.

Dated: New York, New York
August 23, 2021

/s/ John W. Moscow
John W. Moscow
LEWIS BAACH KAUFMANN
MIDDLEMISS, PLLC
The Chrysler Building
405 Lexington Avenue, 64th Floor
New York, NY 10174
T: (212) 826-7001
F: (212) 826-7146
john.moscow@lbkmlaw.com

Louis C. LaPietra
LA PIETRA & KRIEGER, P.C.
30 Glenn Street Suite 105
White Plains, NY 10603
T: (914) 684-6000
lou@lapietrakrieger.com

Attorneys for Plaintiff